

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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ROSEMARIE MILES, as Executor of the )  
of Christine B. Worrell )  
Plaintiff, )  
 )  
v. ) Civil Action No. \_\_\_\_\_  
 )  
JAMES WORRELL, et al. )  
 )  
Defendants. )  
 )

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**NOTICE OF REMOVAL**

Defendant BAE Systems, Inc. (“Defendant”) hereby removes the action now pending in the Superior Court of New Jersey, Chancery Division Probate Part, Burlington County (Docket No. 2019-2014, titled “*Rosemarie Wells, as Executor of the Estate of Christine B. Wells, v. James Worrell, individually, BAE Systems Benefits Center; BAE Systems U.S. Pensions Service Center; USAA Financial Advisors, LLC; and any successors in interest; John Doe 1-5*” (the “State Court Action”) to this Court pursuant to 28 U.S.C. §§ 1441 and 1446. As grounds therefore, Defendant states as follows:

1. Plaintiff filed this action against Defendant on December 4, 2019.
2. Defendant first received the Order to Show Cause and a copy of Plaintiff’s Complaint designating BAE as a Defendant on December 23, 2019.
3. This Notice of Removal is filed within thirty (30) days after receipt of the Order to Show Cause and Complaint on December 23, 2019.

4. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Order to Show Cause and Complaint, being all the process and pleadings filed in the State Court Action as of the date hereof, are attached to this Notice of Removal as Exhibit A.

5. According to Plaintiff's Complaint, Plaintiff "was appointed as the Executrix [of Decedent Christine B. Worrell's estate] on September 16, 2019," and Defendant is the "Decedent's former employer," and was the sponsor of retirement plans Decedent participated in through her employment. *See Ex. A, ¶¶ 2, 6, 18-19.* Plaintiff's claims are for the determination of the proper beneficiary of these plans, as governed by the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. § 1001, *et seq.*

6. Specifically, in Counts One and Two, Plaintiff brings a claim seeking to "restrain the plan administrators of Decedent's . . . pension, 401k account, brokerage/saving account, and IRA account(s), from distributing same to [Decedent's former spouse] James Worrell, or in the alternative, allowing the plan administrator to deposit the proceeds of the account(s) into the Court pending a determination of the rightful beneficiary thereof;." Ex. A, ¶ A.

7. Plaintiff's claims raise substantial questions regarding the payment of ERISA benefits and the administration of an ERISA plan, and, as such, raise substantial federal questions regarding ERISA. Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1331.

8. This Court also has original jurisdiction because Plaintiff's claims are completely preempted by ERISA. *See Pryzbowski v. U.S. Healthcare, Inc.*, 245 F.3d 266, 271-72 (3d Cir. 2001). Indeed, the Supreme Court of the United States has explained that ERISA preempts state domestic relations and probate laws with respect to questions of beneficiary designations in employer provided retirement plans. *See Kennedy v. Plan Administrator for DuPont Savings*

*and Investment Plan*, 555 U.S. 285 (2009); *Egelhoff v. Egelhoff*, 532 U.S. 141 (2001); *Boggs v. Boggs*, 520 U.S. 833 (1997).

9. The Superior Court of New Jersey, Chancery Division Probate Part, Burlington County is located within the District of New Jersey; therefore, this Court is the proper venue for removal pursuant to 28 U.S.C. § 1446(a).

10. Defendant will give prompt, written notice of the filing of this Notice of Removal to Plaintiff's counsel, and will promptly file a copy of the Notice of Removal with the Superior Court of New Jersey, Chancery Division Probate Part, Burlington County.

Dated: January 22, 2020

Respectfully submitted,



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Attorneys for BAE Systems, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was served upon the following individual by overnight mail on January 22, 2020:

Colleen A. McGuigan, Esq.  
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**Attorney for Plaintiff**



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